

ENTERED

August 12, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISIONPOWER MANAGEMENT
CONTROLS, INC.,

Plaintiff.

VS.

5NICKLES, INC., ET AL.,

Defendants.

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CIVIL ACTION NO. 3:20-CV-00154

**ORDER ADOPTING MAGISTRATE JUDGE'S
MEMORANDUM AND RECOMMENDATION**

On June 25, 2020, United States Magistrate Judge Andrew M. Edison filed a memorandum and recommendation (Dkt. 21) recommending that the plaintiffs' motion to remand (Dkt. 3) be granted.

On July 9, 2020, the defendants filed their objections. *See* Dkt. 22, 23. In accordance with 28 U.S.C. § 636(b)(1)(C), this court is required to "make a de novo determination of those portions of the [magistrate judge's] report or specified proposed findings or recommendations to which objection [has been] made." After conducting this de novo review, the court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." *Id.*; *see also* FED. R. CIV. P. 72(b)(3).


The court has carefully considered the objections; the memorandum and recommendation; the pleadings; and the record. The court accepts Judge

Edison's memorandum and recommendation and adopts it as the opinion of the court. It is therefore ordered that:

- (1) Judge Edison's memorandum and recommendation (Dkt. 21) is approved and adopted in its entirety as the holding of the court;
- (2) The plaintiffs' motion to remand (Dkt. 3) is granted;
- (3) This action, originally numbered 18-CV-1164 by the Galveston County District Clerk, is remanded back to the 56th District Court of Galveston County, Texas, effective immediately; and
- (4) A certified copy of this order will be mailed by the Clerk of this court to the Clerk of the 56th Judicial District Court of Galveston County, Texas entitling that court to proceed with the action according to the laws of the State of Texas.

The court directs the district clerk to transmit the case file to the Galveston County district court.

Signed and entered on Galveston Island this 12th day of August, 2020.



JEFFREY VINCENT BROWN
UNITED STATES DISTRICT JUDGE